

REMARKS

Claims 34 and 35 were rejected and remain pending. Claim 34 has been amended herein to recite determining whether or not the test compound reduced the proliferation and whether or not the test compound increased nitric oxide synthase activity. Likewise, claim 35 has been amended to determining whether or not the drug induced proliferation and whether or not the drug increased nitric oxide synthase activity. In addition, claims 36-43 have been added. Applicant's specification fully supports these amendments. For example, page 24, lines 3-14 disclose measuring nitric oxide synthase activity. In addition, page 22, lines 21-22 disclose that the heart valve cells can be obtained from a mature pig; page 23, lines 3-8 disclose that a thymidine uptake assay can be performed to assess cellular proliferation; and page 24, lines 3-4 disclose that an NADPH disphorase reaction can be used measure nitric oxide synthase activity. Thus, no new matter has been added by these amendments.

In light of these amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of claims 34-43.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 34 and 35 under 35 U.S.C. § 102(b) as being anticipated by Choy *et al.* (*Dev. Dynamics*, 206:193-200 (1996)) as evidenced by Dunstan *et al.* (U.S. Patent No. 5,656,598).

Applicant respectfully reserves the right to comment on the merits of this rejection. To further prosecution, however, claim 34 has been amended herein to recite determining whether or not the test compound reduced the proliferation and whether or not the test compound increased nitric oxide synthase activity. Claim 35 has been amended to determining whether or not the drug induced proliferation and whether or not the drug increased nitric oxide synthase activity. At no point does the Choy *et al.* reference disclose determining whether or not a test compound or drug increases nitric oxide synthase activity. Thus, the Choy *et al.* reference does not anticipate the presently amended claims.

In light of above, Applicant respectfully requests withdrawal of the rejection of claims 34 and 35 under 35 U.S.C. § 102(b).

The Examiner also rejected claim 35 under 35 U.S.C. § 102(b) as being anticipated by Johnson *et al.* (*J. Mol. Cell Cardio.*, 19:1185-1193 (1987)) as evidenced by Kunkle (U.S. Patent No. 5,955,436).

Applicant respectfully reserves the right to comment on the merits of this rejection. To further prosecution, however, claim 35 has been amended to determining whether or not the drug induced proliferation and whether or not the drug increased nitric oxide synthase activity. At no point does the Johnson *et al.* reference disclose determining whether or not a drug increases nitric oxide synthase activity. Thus, the Johnson *et al.* reference does not anticipate presently amended claim 35.


In light of above, Applicant respectfully requests withdrawal of the rejection of claim 35 under 35 U.S.C. § 102(b).

CONCLUSION

Applicant submits that claims 34-43 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned attorney at the telephone number below if such will advance prosecution of this application. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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